

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JAMES MASSEY, also known as “Steve Nash”

No. 21 CR 142

Judge Matthew F. Kennelly

**GOVERNMENT'S UNOPPOSED MOTION FOR LEAVE
TO FILE BRIEF IN EXCESS OF 15 PAGES INSTANTER**

Pursuant to Local Rule 7.1, the United States of America, by its attorney John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, moves for leave to file a brief that exceeds 15 pages. In support of this unopposed motion, the government states as follows:

1. Defendant has been charged with inciting, and participating in, and carrying, on of a riot, in violation of 18 U.S.C. §§ 2101(a)(1) and (2).
2. Defendant has filed a motion to dismiss the indictment. R. 51. In that motion, defendant argued that several provisions of the Anti-Riot Act, namely 18 U.S.C. §§ 2101(a)(2) and 2102(b), were facially overbroad and thus were unconstitutional in violation of the First Amendment. R. 51 at 1-7. Defendant also argued in his motion to dismiss that the allegations in the indictment were insufficient to state a violation of 18 U.S.C. § 2101 because: (1) several of the overt acts alleged in the indictment constituted speech that did not urge or instigate a riot; and (2) other overt acts resulting in property damage were insufficient to state a

violation since the damage resulted to property belonging to a corporation. R. 51 at 7-13.

3. In its response, the government endeavored to fully and adequately respond to the merits of each of defendant's constitutional challenges. In addition, the government also sought to provide a full and adequate response to defendant's challenge to the sufficiency of the indictment. The government made every effort to be as concise and economical as possible without sacrificing necessary content, but more than 15 pages was required to address defendant's arguments. Accordingly, the government respectfully requests that the Court grant the government leave to file a response brief of 33 pages instanter.

4. The government has conferred with defense counsel, and he has no objection to the relief requested in this motion.

5. For the foregoing reasons, the government respectfully requests that the Court grant the government leave to file instanter its 33-page response.

Dated: December 13, 2021

Respectfully submitted,

JOHN R. LAUSCH JR.
United States Attorney

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